

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **CV 22-9236-KK-AGR<sub>x</sub>**

Date: November 30, 2023

Title: ***ToiJuan Antonio Cooksey v. BMW of North America, LLC et al***Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute and Comply with Court Orders**

On January 4, 2023, plaintiff ToiJuan Antonio Cooksey (“Plaintiff”) filed a First Amended Complaint against defendant BMW of North America, LLC (“Defendant”). ECF Docket No. (“Dkt.”) 15. On January 20, 2023, Defendant filed an Answer. Dkt. 17.

On March 1, 2023, the Court issued an Order requiring the parties to participate in private mediation under the Court-Directed Alternative Dispute Resolution Program no later than November 13, 2023. Dkt. 21. In addition, Plaintiff was ordered to file a Joint Report regarding “the progress of settlement discussions” no later than seven days after the ADR proceeding. Id.

Plaintiff was, therefore, required to file the Joint Report no later than November 20, 2023. However, the Court has not received a Joint Report. Plaintiff is therefore in violation of the Court’s March 1, 2023 Order.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Before dismissing this action, the Court will afford Plaintiff an opportunity to explain his failure to file the Joint Report as directed by the Court’s March 1, 2023 Order.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed for failure to prosecute and/or comply with court orders. Plaintiff shall

have **up to and including December 8, 2023** to respond to this Order. Plaintiff may discharge this Order to Show Cause by filing the required Joint Report **by December 8, 2023**.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

**IT IS SO ORDERED.**